

Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Office Action dated 7/26/04 the Examiner rejected all of the pending claims 1-6. The Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to advance prosecution of the application.

The Examiner rejected all the claims as anticipated by US Patent 5,009,061 to Heuling.

Applicant has amended claim 1 to more specifically recited that the first and second gathering elements 12 and 14 rotate respectively about a predominately vertical "first single axis" and a "second single axis" as shown by the axis 24 in Figures 1 and 2 (and as described in paragraph 15 and 16 of the Specification) as originally filed.


In contrast to the claims of the present invention, the first and second gathering units in Heuling (shown by conventional gathering chains 14) each rotate in an elongated manner about two axis (drive wheel 13.1 and reverse roll 13.2).

Thus, all the elements in Claim 1 of the present invention, for example, are not taught or suggested in the cited reference, either singly or in combination. Secifically there is no teaching or suggestion that the first and second gathering elements 12 and 14 rotate about a predominately vertical "first single axis" and a "second single axis" as now set forth in Claim 1, as amended.

It is therefore believed that the rejection of all the claims should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,



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P. 01

OCT-26-2004 TUE 10:42 PM

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TX TIME(L) PAGES TYPE

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OCT-26 10:40 PM 917038729306

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TOTAL : 1M 29S PAGES: 5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/773,548

Applicant: H. Kappelhoff

TC/AU 3671

Examiner: Arpad F Kovacs

Filed: 12/11/2003

Atty. Ref. 09209-US

For: GATHERING AND PICKING DEVICE

26 October 2004

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Date

AMENDMENT